

**Iowa Department of Natural Resources
Natural Resource Commission**

ITEM

18

DECISION

TOPIC

Final Rule--Chapter 82, Commercial Fishing

NRC approval is requested to amend Chapter 82, Commercial Fishing. The proposed amendments are directed at conserving the shovelnose sturgeon and reducing conflicts with sport anglers. Over exploitation of traditional sources of the world supply of caviar has driven up the recent demand for shovelnose sturgeon roe or eggs. Price per pound of raw shovelnose sturgeon roe has steadily increased from \$40/lb in 2004 to \$48/lb in 2006. The reported harvest in 2006 was 3,105 pounds valued at \$150,000.

The size limit and season regulations implemented last year for shovelnose sturgeon are intended to sustain the fishery. The proposed amendments clarify language on possession and season. By Code of Iowa no commercial gear may be fished within 900 feet of the 11 Locks and Dams. This rule further restricts the use of entanglement gear another 600 feet below the 900 foot existing limit. This action is intended to minimize conflicts seen last year between commercial and sport anglers. The distance limit was reduced in scope from the Notice of Intended Action in response to commercial fishers concerns with the extent of the proposed closures. The proposed language in Item 2 of the Notice of Intended Action relative to dead set nets, constant attendance, and number of nets has been stricken in response to public comments.

Comments were received from 33 members of the public via hearings, telephone calls, and letters. In addition a petition with 30 signatures was received.

Ken Herring, Administrator
Conservation and Recreation Division

Attachments - Chapter 82 Rule - Adopted
Chapter 82 Public Comments

August 9, 2007

NATURAL RESOURCE COMMISSION [571]
Adopted and Filed

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends Chapter 82 "Commercial Fishing," Iowa Administrative Code.

The proposed amendments provide for four changes in commercial fishing regulations on the Mississippi River: (1) no sturgeon less than 27 inches may be possessed in Iowa waters; (2) no sturgeon may be harvested from gear set prior to midnight on October 15; (3) the establishment of closed areas that prohibit the use of entanglement gear below locks and dams; and (4) bowfin must remain intact until they reach the final processing facility or business.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 20, 2007, as ARC 5956B. Public hearings were held on July 16th, 17th, and 18th, 2007. There are changes from the Notice of Intended Action. The proposed language in Item 2, 82.5(5) paragraph c, relative to dead set nets, constant attendance, and number of nets is stricken. In addition language relative to the closed areas to entanglement gear in Item 4, 82.2(10) is changed to reflect a reduction in the size of the closed areas.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, and 482.1.

These amendments will become effective October 3, 2007.

The following amendments are proposed:

ITEM 1. Amend subrule 82.2(2) as follows:

82.2(2) *Size limits.* Fish less than a minimum length or longer than the maximum length shall be returned to the water unharmed. The minimum total length for all catfish is 15 inches. The minimum fork length for shovelnose sturgeon, measured from the tip of the snout to the fork of the tail, is 27 inches. No shovelnose sturgeon longer than 34 inches fork length may be harvested from waters of the Mississippi River bordering Wisconsin. No shovelnose sturgeon less than 27 inches may be possessed in Iowa waters.

ITEM 2. Amend subrule 82.2(8) as follows:

82.2(8) *Seasons.* There is continuous open season for commercial fishing of all species listed in 82.2(1) except there is a closed season for shovelnose sturgeon from May 16 through October 14. No shovelnose sturgeon may be harvested from gear set prior to midnight on October 15.

ITEM 3. Amend subrule 82.2(9) as follows:

82.2(9) *Special shovelnose and bowfin regulations.* ~~A shovelnose~~ Shovelnose sturgeon and bowfin must remain intact until the fish ~~reaches~~ reach the final processing facility or business. For the purposes of this subrule, final processing facility does not include vessels or vehicles.

ITEM 4. Amend rule 571-82.2(482) by adopting the following **new** subrule:

82.2(10) *Closed areas.* The use of entanglement gear, including gill and trammel nets, is prohibited from that area extending 600 feet downstream of the 900 foot existing closed areas (Iowa Code 482.9, paragraph 2) located below each of the Locks and Dams on the Mississippi River.

Date

Richard A. Leopold, Director